

Meeting Minutes

August 18, 2005

Town of Los Altos Hills

City Council Regular Meeting

Thursday, August 18, 2005 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: Councilmember Craig A. T. Jones

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Director of Public Works/City Engineer Henry Louie, Parks and Recreation Supervisor Jimmy Forbis and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had met on August 11, 2005 and considered and approved four applications, including: a site development permit for tennis court and pavilion; a site development permit for an agricultural accessory building; a conditional development permit for an addition that required the removal of two heritage oak trees to allow for a required fire truck turnaround; and, a request for an exception to the 25 foot structure setback for creek. Cahill noted that the creek was a man made landscape water feature.

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to approve the Consent Calendar, specifically:

4.1 Approval of Minutes: Regular City Special Meeting August 3, 2005

4.2 Review of Disbursements: 07/27/2005 – 08/10/2005 \$925,688.71

4.3 Investment Report for Quarter Ended June 30, 2005

4.4 Approval of Proposed Draft Ordinance No. 438 Amending the Los Altos Hills Municipal Code Pertaining to the Change in the Weeks of the Month on which Regular City Council Meetings are Held

4.5 Approval of Resolution in Support of the Guidelines and Standards for the Planning and Permit Regulation for the Protection of Water Resources within the Santa Clara Valley Water District – Reso # 80-05 and Reso #81-05

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr reported that the Environmental Initiatives Committee would present their findings to the Council at the September 15, 2005 City Council meeting. He believed they had defined a reasonable outline for a conservation ordinance and offered that their goal was to gather input from residents at this initial stage in the drafting of the ordinance. The presentation would include a demonstration of the energy conserving process with a set of plans for a new residence. PG&E would provide the expert advice for the Title 24 simulation, however, some Town funds might be needed to supplement the cost. Mayor Kerr requested Council direction on the Town wide mailing publicizing the presentation.

Council consensus was to approve the mailing of a Town wide notice of the EIC presentation.

5.1.2 Bringing Public Education Back to the Hills

Mayor Kerr reported that the Public Education Committee would be making a presentation to Council in October. A letter from the Council regarding returning public education to Town would be featured in the September Newsletter.

5.2 Underground Project Status Report

Mayor Pro Tem Warshawsky deferred his report to Public Works Director/City Engineer Henry Louie. Louie reported that following the adoption of Resolution No. 78-05 that established the Undergrounding District Boundaries at last week's Council meeting, the Clerk had mailed copies of the resolution and pertinent Municipal Code sections to the affected residents and utility companies.

Warshawsky added that the Undergrounding Committee would meet with City of San Jose representatives that had successfully completed a multi-million dollar underground project to query them on their process. He was hopeful that PG&E would be able to have a 2006 start date for the Town's project.

5.3 Update on General Plan Review

Councilmember O'Malley reported that the Planning Director had prepared copies of the Town's General Plan for the Ad Hoc Committee. He expected the Committee, with a membership comprised of Former Mayor Elayne Dauber and Former Planning Commissioners Carol Gottlieb, Janet Vitu, Dot Schreiner, Planning Commissioner Chairman Carl Cottrell and himself, to complete the initial revision of the General Plan that would consist of the correction of inaccuracies and the identification of issues by January or February 2006. O'Malley noted that the second step in the process to update the General Plan would be undertaken by a more formal Committee chartered by Council with the General Plan update.

5.4 Update on Byrne Preserve Repairs (Photo Presentation)

Public Works Director/City Engineer Henry Louie presented a PowerPoint presentation to Council that consisted of before and after photos of the repair work that had been completed in Byrne Preserve. Louie noted the bridge repairs included bracing and replacement of the railing, the Gintzon trail had been cleared and signage had been repaired. He reviewed the design detail plans for the bridge repairs and added that he believed the restoration work had added two years to the life expectancy of the bridges.

Councilmember O'Malley had visited the bridge and commended Louie on the work.

5.5 Update on Status of Major/Priority Path Projects

Public Works Director/City Engineer Henry Louie reported that following the adoption of the pathway CIP projects, staff had been working with Caltrans and Foothill College on the Moody/El Monte Road Pathway Corridor. Foothill staff had provided the Town with a copy of their traffic circulation study and would be providing a topography map for the area along Adobe Creek. Louie noted that the Town was working with the Santa Clara Valley Water District to determine what the preferred materials were for the proposed pathway. The traffic circulation study had been forwarded to Caltrans for their review and comment. If any additional study is required by Caltrans, staff would provide Council with an update.

5.6 Proposal for Plants and Plant Maintenance at Town Hall

Mayor Kerr recused himself from consideration of this item due to a potential conflict of interest and stepped down from the dais.

Councilmember Mordo offered that he had brought this item before Council after receiving a proposal from Sandy Humphries for the plant service. He noted that he favored addition of plants to the facility but if staff was not supportive because of the expense, he understood.

OPENED PUBLIC COMMENT

Sandy Humphries, Fremont Road, explained that she had provided the trees and plant arrangements for the Town Hall dedication as a donation. Her quote for the plant service was provided at the request of Duffy Price who had facilitated the dedication event. Humphries noted that the quotes included in the staff report for other services were not appropriate comparables.

CLOSED PUBLIC COMMENT

Council thanked Humphries for the use of her plants and arrangements during the dedication and added that they were a beautiful complement to the new Town Hall.

Council briefly discussed the proposal and agreed that there was no consensus to move forward with the proposal for plants for the Town Hall facility.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to accept the staff recommendation that plants, living or artificial, and their related maintenance expenses are unnecessary expenditures at this time.

6. NEW BUSINESS

6.1 Introduction of Ordinance Establishing Storm Water Pollution Prevention Measures for Land Development Projects

Public Works Director/City Engineer Henry Louie reviewed the staff report and proposed ordinance with Council. He noted that residential development was exempt and a minimal number of projects in Town would be affected by the ordinance.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to waive reading and introduce the ordinance establishing storm water pollution prevention measures for land development projects.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Mordo reported that the Ad-Hoc Council Planning Committee was currently working on the recommended modifications to the fence ordinance. The Planning Commission was scheduled to review the proposals at a work session in September. Key elements to the revised ordinance included: strengthening the notification requirements; clarification of language on replacement of non-conforming fences; and, language for fencing in open space and wildlife corridors.

Councilmember O'Malley reported that he had attended the Environmental Design and Protection Committee regular meeting. They have completed a study of house size limitations in surrounding communities and were interested in making a presentation to Council on maximum allowable house size. Mayor Kerr suggested that they be invited to participate in the September 15th City Council meeting.

Mayor Kerr requested a status on the Santa Clara Valley Water District's water saving demonstration garden for Town Hall. Mayor Pro Tem Warshawsky noted that Public Works Director Henry Louie had been moving forward with the project. He had met with SCVWD staff at Town Hall. They were considering plantings in the solar orchard and the street side of the Heritage House. Warshawsky acknowledged Louie's efforts on the proposed project.

Mayor Pro Tem Warshawsky reported that the first meeting of the Joint Volunteer Awards Committee had been scheduled for next week.

Councilmember Mordo reported that he had attended a Countywide Emergency Preparedness meeting. He suggested that it would be appropriate for Council to participate in an "emergency/disaster" training session. City Manager Cassingham offered that she would forward dates of the upcoming staff training exercises where emergency situations are simulated.

8. STAFF REPORTS

8.1 City Manager

City Manager Maureen Cassingham reported that the Town was the recipient of a Certificate of Achievement for Excellence in Finance Reporting, a national award from the Government Finance Officers Association. She acknowledged that this was due to the outstanding efforts of Administrative Services Director Sarah Joiner and Senior Accountant Cindy Higby. In addition, the Town had also received the State Award for the second year for its Comprehensive Annual Finance Reporting for the year ending June 30, 2004.

City Manager Cassingham ceded the remainder of her report to Parks and Recreation Supervisor Jimmy Forbis. Forbis advised Council that he had received a confirmation letter from the State of California that the park bond application had been approved and the Town was now authorized to make expenditures against the account. He had scheduled a meeting with the Friends of Westwind to find a mutually agreeable site for the new paddocks. Once the site has been established, the project would begin the design phase.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Consideration of Proposal to Strengthen the Finance and Investment Committee by Including Two Councilmembers – Councilmember Mordo

Councilmember Mordo explained that he had requested consideration of modifying the membership of the Finance and Investment Committee to alleviate the problem the Committee has had in convening a meeting quorum. As Council Liaison to the Committee,

he appreciated the highly qualified and successful composition of the membership, but offered that successful individuals are also busy individuals. He believed that by the addition of two Councilmembers, it would be easier for the Committee to meet. Mordo had examined the membership of Finance Committees in neighboring communities and many were comprised of Council members only and very few had residents only. He added that the Committee was embarking on the review of very critical financial issues and believed they would benefit from Council participation.

Council discussion ensued. Council concurred that the addition of two voting Councilmembers to the seven member body would be a positive amendment.

Staff was directed to revise the Standing Committee Resolution and agendize it for Council consideration at their next meeting. The appointment of the two Councilmembers would be considered at the same meeting immediately following adoption of the resolution.

10. PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, commented that he had been advised by two people that the repairs on the Byrne Preserve bridges were not adequate for equestrian crossings. He had not personally viewed the bridge repairs. Couperus reported that review of the Adobe Creek project by state and federal agencies had identified seven issues that might require mitigation. He believed two had been resolved but voiced his concern that the mitigation(s) might alter the design of the project.

Les Earnest, Dianne Drive, urged the City Council to address the inconsistencies in the Municipal Code on the issue of private and public street designations. He offered that his request was supported by the Pathways Committee and an important component to completing the Pathways Map.

City Attorney Steve Mattas offered to provide Council with an estimate of the time that would be required to make the Municipal Code consistent with State law. Council consensus was to direct the City Attorney to move forward with the estimate.

Earnest added that included in Council's packet was a letter that he had directed to them on the issue of path indemnification for homeowners.

City Manager Cassingham advised Council that Marcus Beverly, ABAG, the Town's insurance provider, was reviewing the letter from the insurance perspective and she would keep Council apprised.

Jan Fenwick, Elena Road, voiced her opposition to the expenditure of any substantive Town funds on the Bullis Charter School, noting that it was her contention that this would not benefit the Town as a whole. She hoped the Council would go to their constituents before spending any funds.

Council responded that there was no specific proposal before them at this time from the Charter School and they planned to schedule a public meeting when they had something definitive.

Patty Ciesla, Moody Court, stated that she had serious concerns about the safety of the bridges in Byrne Preserve. She suggested that they be closed to equestrians and limited to pedestrian only traffic.

Frank Lloyd, Brendel Drive, requested information on the work that had been scheduled on his private street by the Water District. He noted that his neighborhood had just financed the repavement of the street and he was concerned that the work would damage it.

Public Works Director/City Engineer Henry Louie advised Lloyd that staff was aware of the project. It would be monitored daily and the work would be required to meet Town standards.

11. PUBLIC HEARINGS

12. ADJOURNMENT

There being no further new or unfinished business, the meeting was adjourned by consensus of the City Council at 7:30 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the August 18, 2005 Regular City Council Meeting were approved as presented at the September 1, 2005 Regular City Council Meeting.